



**2011
BOROUGH OF DUMONT
RESOLUTION**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CARRICK	✓			
CASPARE	✓			
FREEMAN	✓			
MANNA	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR McHALE				
TOTALS	6			

Resolution No. 237 (revised)
Date: December 13, 2011
Page: 1 of 2
Subject: Special Counsel Services
Purpose: Award Contract
Account No. _____
Contract No. _____
Dollar Amount: Not to exceed \$50,000
Prepared By: Gregg Paster, Esq.

Offered by: Stylianou
Seconded by: Freeman

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Susan Connelly
Susan Connelly, RMC, Borough Clerk
Borough of Dumont, Bergen County, New Jersey

**AWARD CONTRACT TO JOHN S. SHAHDANIAN, ESQ.
SPECIAL COUNSEL SERVICES**

WHEREAS, the Mayor and Council of the Borough of Dumont require the services of counsel to properly perform and carry out the business of the Borough; and

WHEREAS, from time to time it becomes necessary to engage special counsel to address issues of a specialized nature, or where an actual or perceived conflict of interest may be present; and

WHEREAS, a lawsuit entitled Winant, Licameli, Eckel v. Borough of Dumont, et als., has been filed in the Chancery Division of the Superior Court of New Jersey-Bergen County against the Borough, the six members of the Council and the Borough Attorney that makes allegations arising out of the DPW environmental site remediation investigation; and

WHEREAS, the Council finds that the acts alleged were consistent with each of the defendants' scope of their public duties and did not, if proven true, constitute actual fraud, malice, willful misconduct or an intentional wrong; and

WHEREAS, it appears that the firm of Chasan, Leyner & Lamparello, of Secaucus, New Jersey, possesses the requisite expertise and background to represent and advise the Governing Body in connection with the litigation and has been previously qualified as special or conflict counsel for the Borough; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 and 19:44A-20.1 et seq., this contract may be awarded without the need for public bidding or any similar procedure.

BE IT RESOLVED, the Governing Body of the Borough of Dumont, authorizes the award of a contract for special counsel litigation services – not to exceed \$50,000- to John S. Shahdanian, Esq., of Chasan, Leyner & Lamparello, Secaucus, N.J., for defense of the Borough of Dumont and all elected and appointed officials in their official capacities, in connection with the said litigation, in a form and substance acceptable to the Borough Attorney; and

BE IT FURTHER RESOLVED, that the individual defendants, both elected and non-elected, be and hereby are entitled to defense and indemnification pursuant to Chapter 25 of the Borough of Dumont Code, for any adverse result, including any judgment for damages of any kind, including, but not limited to compensatory, reliance, expectation, punitive and/or exemplary, for all actions and/or statements undertaken in connection with their official duties on behalf of the Borough for the duration of the litigation, with counsel to be assigned for defense in their individual capacities, on further action of the Council; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be and hereby are authorized to execute and deliver such contract to the selected vendor; and

BE IT FURTHER RESOLVED, copies of this resolution shall be provided to the vendor and the CFO.


Matthew P. McHale, Mayor

I hereby certify that funds for special counsel services shall be provided from Special Counsel OE


Rosemarie Giotis, CFO

Date: December 13, 2011

I hereby certified that funds in the amount of \$5,000 shall be provided in the 2011 budget, special counsel and the balance of \$45,000 will be provided in 2011 appropriation reserves, special counsel.

A handwritten signature in cursive script, appearing to read "R. Giotis".

Rosemarie T. Giotis, CFO



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CARRICK	✓			
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MANNA	✓			
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ZAMECHANSKY	✓			
MAYOR McHALE				
TOTALS	6			

Resolution No. 238
Date: December 13, 2011
Page: 1 of 2
Subject: Special Counsel Services
Purpose: Award Contract
Account No. _____
Contract No. _____
Dollar Amount: Not to exceed \$50,000
Prepared By: Gregg Paster, Esq.

Offered by: Carrick
Seconded by: Freeman

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Susan Connelly
Susan Connelly, RMC, Borough Clerk
Borough of Dumont, Bergen County, New Jersey

**AWARD CONTRACT TO EDWARD J. FLORIO, ESQ.
SPECIAL COUNSEL SERVICES**

WHEREAS, the Mayor and Council of the Borough of Dumont require the services of counsel to properly perform and carry out the business of the Borough; and

WHEREAS, from time to time it becomes necessary to engage special counsel to address issues of a specialized nature, or where an actual or perceived conflict of interest may be present; and

WHEREAS, a lawsuit entitled Winant, Licameli, Eckel v. Borough of Dumont, et als., has been filed in the Chancery Division of the Superior Court of New Jersey-Bergen County against the Borough, the six members of the Council and the Borough Attorney that makes allegations arising out of the DPW environmental site remediation investigation; and

WHEREAS, the Council finds that the acts alleged were consistent with each of the defendants' scope of their public duties and did not, if proven true, constitute actual fraud, malice, willful misconduct or an intentional wrong; and

WHEREAS, it appears that the firm of Florio & Kenny, of Hoboken, New Jersey, possesses the requisite expertise and background to represent and advise the individual defendants in connection with the litigation and has been previously qualified as special or conflict counsel for the Borough; and

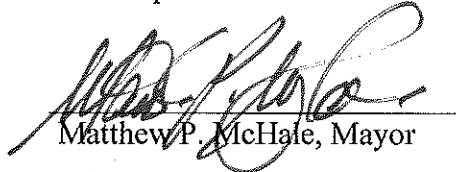
WHEREAS, pursuant to N.J.S.A. 40A:11-5 and 19:44A-20.1 et seq., this contract may be awarded without the need for public bidding or any similar procedure.

BE IT RESOLVED, the Governing Body of the Borough of Dumont, authorizes the award of a contract for special counsel litigation services – not to exceed \$50,000- to Edward J. Florio, Esq., of Florio & Kenny, Hoboken, N.J., for defense of the Borough of Dumont and all elected and appointed officials in their individual capacities, in connection with the said litigation, in a form and substance acceptable to the Borough Attorney; and


BE IT FURTHER RESOLVED, that the individual defendants, both elected and non-elected, be and hereby are entitled to defense and indemnification pursuant to Chapter 25 of the Borough of Dumont Code, for any adverse result, including any judgment for damages of any kind, including, but not limited to compensatory, reliance, expectation, punitive and/or exemplary, for all actions and/or statements undertaken in connection with their official duties on behalf of the Borough for the duration of the litigation, with counsel to be assigned for defense in their individual capacities, on further action of the Council; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be and hereby are authorized to execute and deliver such contract to the selected vendor; and

BE IT FURTHER RESOLVED, copies of this resolution shall be provided to the vendor and the CFO.


Matthew P. McHale, Mayor

I hereby certify that funds for special counsel services shall be provided from Special Counsel OE


Rosemarie Giotis, CFO

Date: December 13, 2011

I hereby certified that funds in the amount of \$5,000 shall be provided in the 2011 budget, special counsel and the balance of \$45,000 will be provided in 2011 appropriation reserves, special counsel.

A handwritten signature in cursive script, appearing to read "R. Giotis".

Rosemarie T. Giotis, CFO



**2011
BOROUGH OF DUMONT
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MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CARRICK	✓			
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STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR MCHALE				
TOTALS	6			

Resolution No. _____

Date: December 13, 2011

Page: 1 of 2

Subject: Closed Session

Purpose: Resolution to Enter

Account No. _____

Contract No. _____

Dollar
Amount: _____

Prepared By: Susan Connelly, RMC

Offered by: Stylianos
Seconded by: Freeman

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by: Susan Connelly

Susan Connelly, RMC, Borough Clerk
Borough of Dumont, Bergen County, New Jersey

CLOSED SESSION

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

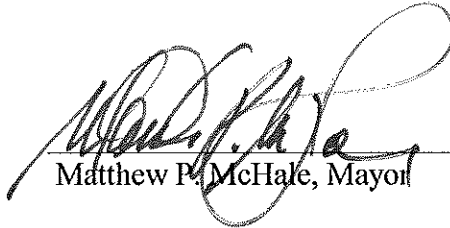
WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss
Litigation-Winant, Licamelli, Eckel vs. Borough of Dumont

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above

no longer requires that confidentiality, at the conclusion of the litigation, then the minutes can be made public.

BE IT RESOLVED, that the public be excluded from this meeting.



Matthew P. McHale, Mayor